

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 09-cr-119-01-PB

Michael McBride

O R D E R

On August 6, 2012, defendant appeared for both a probable cause and detention hearing on one alleged violation of conditions of supervision, as charged in the government's petition dated August 3, 2012 (doc. no. 30). Defendant is on release from his conviction in 2010 for failure to register as sex offender, in violation of 18 U.S.C. § 2250(a).

The government alleges that, while on supervised release, defendant was discharged from Hampshire House and thereby violated the special condition of supervision requiring him to reside for a period not to exceed 120 days in a community correctional center and to observe the rules of that facility. After the hearing, the defendant conceded and the court found that the government's evidence established probable cause for the violation. Following the hearing, the defendant also withdrew his request for release on conditions under Rule 32.1(a)(6), conceding that without an alternative placement to propose to the court, he could not meet his high burden of proof under that rule. Based on the evidence presented at the

hearing, the court agreed and entered a finding from the bench that defendant failed to meet his burden of persuading the court that his release, even on strict conditions, would pose no danger to any other person or the community. Accordingly, it is **ORDERED** that the defendant be detained pending a final revocation hearing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

August 7, 2012

cc: Bjorn Lange, Esq.
Helen W. Fitzgibbon, Esq.
U.S. Marshal
U.S. Probation